

Department of Education 2008 Bill Summary

SB 21 – An act to revise certain provisions related to the interstate enrollment options program

This bill would give the Department of Education the ability to enter into open enrollment and/or tuition regulation agreements with any bordering state. Currently, South Dakota has statutes allowing for open enrollment agreements with North Dakota and Iowa, but those statutes do not allow for tuition regulation. The bill would pave the way for tuition regulation, and it would provide consistency when establishing agreements with other states.

SB 22 – An act to revise certain provisions related to the payment of additional funds to consolidated school districts and to declare an emergency

Changes made to the statute regarding the payment of consolidation incentives during the 2007 legislative session inadvertently excluded the payment of incentives to school districts that had a consolidation date of July 1, 2007 (that exact date). This bill would allow payments to districts that reorganized on July 1, 2007.

SB 23 – An act to revise certain provisions related to the required reorganization of school districts with low enrollment

This bill clarifies that reorganization is required when a school district's fall enrollment falls *below* 100. It requires reorganization *to be effective* within two years of a school district's fall enrollment falling below 100. It also specifies action to be taken by the South Dakota Board of Education if a school district does not prepare a plan for reorganization.

SB 24 – An act to make an appropriation to reimburse certain school districts for consolidation incentives

SDCL 13-6-92 creates incentive payments to districts that consolidate. This bill appropriates funds to the Department of Education to pay the obligation created under 13-6-92 for FY 09.

SB 25 – An act to repeal certain provisions regarding the calculation of state aid to education

Black Hills Forest High School no longer exists, but state law regarding the calculation of state aid references students attending the school. This bill repeals 13-13-1.8, which excludes students attending Black Hills Forest High School from the calculation of fall enrollment. It is a clean-up bill.

SB 26 – An act to revise certain provisions regarding the rule making authority of the South Dakota Board of Education for pre-kindergarten programs

This bill would give the South Dakota Board of Education specific rule-making authority to establish standards for the accreditation of pre-kindergarten programs and the preparation of certified personnel working in pre-K programs. The bill gives the state a vehicle for ensuring consistent and quality pre-K programs. It clearly states that children are *not* required to attend a pre-K program.

SB 27 – An act to repeal the state requirement for inspection of school food service programs

SDCL 13-35-7 sets state standards for the frequency of health inspections of school food service programs (two inspections every five years). This bill would repeal 13-35-7 since federal law now establishes the standard at two inspections per year for all food service sites, making our state standard out of sync with federal mandate.

HB 1044 – An act to revise certain provisions regarding the Teacher Compensation Assistance Program

This bill allows the Department of Education to set aside part of the TCAP appropriation and allow educational cooperatives and multi-district schools to apply for TCAP dollars. Teachers who are contracted through the cooperatives and multi-districts serve public schools, and therefore should not be excluded from the TCAP program. There is no new money involved.

HB 1045 – An act to revise certain provisions related to the calculation of state aid to special education

During the 2007 legislative session, statutes related to the calculation of state aid to general education were revised to count students for state aid purposes based on a fall enrollment count, rather than an average daily membership. State aid to special education statutes were not changed and currently count students based on average daily membership, which is inconsistent with state aid to general education.

SDCL 13-13-35.2 requires the tri-annual adjustment for state aid to special education allocations by disability level based on average expenditures reported by school districts.

This bill revises state aid to special education payment statutes to be based upon fall enrollment, consistent with state aid to general education. It also revises state aid to special education allocations by disability level based on average expenditures reported by school districts inflated to FY 09.

HB 1046 – An act to make an appropriation to assist sparse school districts and to declare an emergency

SDCL 13-13-79 creates payments for sparse school districts. The amount originally appropriated for FY 08 does not allow full payment to eligible school districts based on the formula in 13-13-78. This bill appropriates additional funds to the Department of Education to pay the obligation created under 13-13-79 for FY 08.

HB 1047 – An act to make an appropriation to assist sparse school districts

SDCL 13-13-79 creates payments for sparse school districts. This bill appropriates funds to the Department of Education for FY 09 to pay the obligation created under 13-13-79.

HB 1048 – An act to revise certain provisions related to the state aid payment for increase in current fall enrollment

Current statute allows an additional state aid payment in the current year to school districts that grow by 5 percent or 25 students from the prior year. This bill requires minimum growth of 10 percent of the previous year's fall enrollment before additional funds will be paid to the school district in the current year.

HB 1049 – An act to revise certain provisions related to the calculation of school and public lands funds and county general school funds

During the 2007 legislative session, statutes associated with the payment of state aid to general education were changed to count students based on fall enrollment rather than average daily membership. Statutes for the calculation and distribution of county apportionment and school and public lands funds were not changed and are still based on average daily membership. This bill changes the calculation of county apportionment and school and public land funds to be based upon fall enrollment rather than average daily membership – providing consistency to state aid statutes.

HB 1050 – An act to clarify certain requirements of the Indian Education Act

The Indian Education Act, passed during the 2007 legislative session, states that all new or out-of-state teachers seeking certification in South Dakota must complete a “three-hour course” in South Dakota Indian studies. The course that students must take is actually a “three-credit-hour course,” not a three-hour course. This bill corrects the language.

HB 1051 – An act to revise certain provisions related to the payment of additional funds to consolidated school districts and to declare an emergency

This bill has two parts: 1) Changes made to the statute regarding the payment of consolidation incentives during the 2007 legislative session inadvertently excluded the payment of incentives to school districts that had a consolidation date of July 1, 2007 (that exact date). This bill would allow payments to districts that reorganized on July 1, 2007.

2) The second part of the bill would change consolidation incentives so that newly reorganized districts receive incentive money only for those students that actually show up in their fall enrollment count – up to 400 students. It also increases the per-student amount of the incentive.